

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

No. 11-30072

Plaintiff,

District Judge Paul D. Borman

vs.

Magistrate Judge R. Steven Whalen

ERIC MITCHELL,

Defendant.

/

**REPORT AND RECOMMENDATION**

Defendant Eric Mitchell, who is charged by way of a criminal complaint with possession with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1), appeared for a detention hearing on February 14, 2011. At that time, the government and the defendant agreed that the Defendant could be granted bond under the following conditions:

1. Report as directed to Pretrial Services.
2. Reside at an address in the Eastern District of Michigan, to be provided to Pretrial Services.
3. Travel restricted to the Eastern District of Michigan.
4. Surrender passport to Pretrial Services, and do not obtain or apply for another passport.
5. Submit to drug testing and/or drug treatment as directed by Pretrial Services.

6. Undergo electronic monitoring, with any curfew as directed by Pretrial Services. Defendant will obtain a land-line telephone to effectuate electronic monitoring.

7. Bond of \$150,000.00, to be secured by real estate in the State of California.

As to Condition #7, Magistrate Judges in this District are not authorized to impose bonds secured by real property. Rather, such conditions may only be imposed by an Article III judge. Therefore, I must proceed by Report and Recommendation to the presiding judge, pursuant to 28 U.S.C. § 636(b)(1)(B).

Accordingly, I recommend that the Court grant bond to the Defendant under the above conditions. Because both parties have agreed to these conditions, bond may be set, and the Defendant released, without regard to the usual 14-day period to file objections to a Report and Recommendation.

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Date: February 14, 2011